

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>SECOND AMENDMENT ARMS, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 10-CV-4257</b>
	)	<b>Judge Robert M. Dow, Jr.</b>
<b>CITY OF CHICAGO, et al.,</b>	)	<b>Magistrate Judge Sheila M. Finnegan</b>
	)	
<b>Defendants.</b>	)	

**DEFENDANT’S STATUS REPORT AND PROPOSED SCHEDULING ORDER**

Defendants, by their attorney, Edward N. Siskel, Corporation Counsel, hereby file this status report and proposed scheduling order pursuant to the Court’s October 20, 2017 order.<sup>1</sup>

**BACKGROUND**

Following the Court’s ruling on Defendants’ motion to dismiss Plaintiffs’ Fourth Amended Complaint (“Compl.”), two counts remain in this case. In Count I, Plaintiff Second Amendment Arms (“SAA”) seeks damages allegedly suffered as a result of the City’s previous but now-repealed ban on gun stores. Compl. ¶ 33. The Court having dismissed the remaining claims in Count I, the count now consists solely of SAA’s as-applied damages claim. In Count III, Plaintiffs challenge the constitutionality of Chicago’s ban on the possession and sale of laser sight accessories, codified in MCC §§ 8-20-060(a), (c). *Id.* ¶¶ 40-42. On that count, Plaintiffs seek injunctive and declaratory relief and damages.

Given the narrow scope of the relief requested in Count I, Defendants believe it would be most expeditious to complete discovery related to SAA’s alleged damages and then evaluate the

---

<sup>1</sup> The Court requested that the parties file a joint status report. Defendants provided a draft of this document to Plaintiffs’ counsel, but have received no response. Therefore, this report articulates Defendants’ position.

necessity of any discovery or litigation related to the underlying merits of the claim in Count I. The parties will simultaneously complete outstanding fact and expert discovery related to Count III.

### **PROPOSED SCHEDULING ORDER**

Defendants propose the following discovery schedule in the above-captioned matter:

1. Oral fact discovery related to the fact and amount of damages claimed in Count I, and the entirety of the claim in Count III, closes on March 2, 2018;
3. Plaintiffs' expert disclosures (if any) will be due by March 30, 2018;
4. Discovery of Plaintiffs' experts closes on May 11, 2018;
5. Defendants' expert disclosures (if any) will be due by June 15, 2018; and
6. Discovery of Defendants' experts closes on July 27, 2018.

Defendants request that the Court schedule a status after the conclusion of expert discovery to address any remaining discovery matters concerning the subjects of this order and to schedule the filing of summary judgment motions.

Date: November 3, 2017

Respectfully submitted,

EDWARD N. SISKEL  
Corporation Counsel for the City of Chicago

By: /s/ Ellen McLaughlin  
Assistant Corporation Counsel

Andrew W. Worseck  
Ellen W. McLaughlin  
City of Chicago, Department of Law  
Constitutional and Commercial Litigation Division  
30 North LaSalle Street, Suite 1230  
Chicago, Illinois 60602  
(312) 744-7129 / 742-5147  
Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I, Ellen W. McLaughlin, an attorney, hereby certify that on this, the 3d day of November, 2017, I caused a copy of the foregoing **Joint Status Report and Proposed Agreed Scheduling Order** to be served by electronic filing (ECF) on:

David G. Sigale  
Law Firm of David G. Sigale, P.C.  
799 Roosevelt Road, Suite 207  
Glen Ellyn, Illinois 60137

/s/ Ellen W. McLaughlin  
Ellen W. McLaughlin